



CERTIFIED TRUE COPY

State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY  
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN  
*Governor*

JOHN J. FARMER, JR.  
*Attorney General*

MARK S. HERR  
*Director*

April 20, 2000

*Mailing Address:*

P.O. Box 45005  
Newark, NJ 07101  
(973) 504-6405

Michael E. Wilbert, Esq.  
Wilbert & Montenegro  
531 Burnt Tavern Rd.  
P.O. Box 1049  
Bricktown, NJ 08723

RE: Donald Dobrowolski, DDS

Dear Mr. Wilbert:

Enclosed is a copy of the Order of Reinstatement filed by the Board of Dentistry on March 20, 2000 concerning Dr. Dobrowolski.

Please be advised that all terms and conditions of the Amendment to Reinstatement Order filed on June 16, 1999, specifically addressing items 1, 2 & 3 shall continue in full force and effect.

If you should have any questions, please contact this office.

Very truly yours,

Agnes M. Clarke  
Executive Director

AMC:cm  
Enclosure

RECEIVED AND FILED  
WITH THE  
N.J. BOARD OF DENTISTRY  
ON 4-20-00 cm

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

In the Matter of )

) Administrative Action

)  
DONALD DOBROWOLSKI, D.D.S. )  
License No. DI 13038 *correction* )  
*cm*

ORDER OF REINSTATEMENT

)  
Licensed to Practice Dentistry) )  
in the State of New Jersey )  
\_\_\_\_\_ )

CERTIFIED TRUE COPY

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon the application of Donald Dobrowolski, D.D.S. ("respondent"), seeking to reinstate his license to practice dentistry. Respondent voluntarily surrendered his license in January 2000 following the Board's receipt of information that respondent had tested positive for cocaine. The voluntary surrender followed prior Board orders that subjected respondent to monitoring for a substance abuse problem.\* Pursuant to the order by which he voluntarily surrendered his license, respondent, at the time he sought reinstatement, would be required to demonstrate to the Board that he was capable of discharging the functions of a

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\*At the time of the positive urine test, respondent was practicing under the terms of Board orders entered in June 1999 and January 1997. Those orders, among other things, required respondent to submit to random drug screens based on his prior use of cocaine.

licensee in a manner consistent with the public's health, safety and welfare. He was further directed to obtain an independent evaluation by a Board approved psychiatrist, to continue in counseling and to attend support groups.

The Board has now received the report from Yitzhak Shnaps, M.D., the psychiatrist who performed the independent evaluation as well as reports from Richard Lee Fort, M.D., respondent's treating psychiatrist, and Raymond F. Hanbury, Jr., Ph.D., his treating psychologist. The Board also received a recommendation from William I. Keene, D.D.S., M.A., Director of the New Jersey Dental Association Chemical Dependence Program. All agree that, with restrictions and continued monitoring and therapy, respondent may practice dentistry consistent with public health, safety and welfare.

Based on the information submitted, the Board has determined that respondent may have his license reinstated subject to the conditions outlined in this order. Respondent appears to be in recovery at this time. The Board is keenly aware of respondent's history of relapse and will not tolerate any deviation from the terms of this order. The Board finds that the restrictions placed on respondent's practice by this order are adequate to protect the health and welfare of the public, and that good cause exists for entry of this order:

IT IS ON THIS 19<sup>th</sup> DAY OF APRIL, 2000 .

ORDERED:

1. (a.) Respondent shall have his urine monitored on each day that he engages in the practice of dentistry, but in no event less than once a week, at a laboratory facility designated by the Board to continue until further order of the Board expressly reducing or discontinuing testing. Respondent shall be provided with specific directions for the protocol of the testing procedure and the location of the laboratory facility by the Executive Director of the Board. The urine monitoring shall be conducted with direct witnessing of the taking of the samples as designed by the laboratory facility. The initial drug screen shall utilize appropriate screening techniques and all confirming tests and/or secondary tests will be performed by gas/chromatography/mass spectrometry (G.C./M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge.

(b.) All test results shall be provided to Agnes M. Clarke, Executive Director or the Board, or her designee in the event she is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

(c.) Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Agnes M. Clarke, or her designee. Personnel at the lab facility shall not be authorized to waive a urine test. In addition, respondent must provide the Board with written substantiation of his inability to appear for a test within two (2) days, e.g., a physician's report attesting that respondent was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day.

(d.) In the event respondent will be out of the State for any reason, the Board shall be so advised so that arrangements may be made at the Board's discretion for alternate testing. The Board may, in its sole discretion, modify the frequency of testing or method of testing during the monitoring period.

2. Respondent shall continue in counseling, at his own expense, not less than two times per week with his treating

psychotherapist and with his treating psychiatrist as directed by that psychiatrist. Respondent shall participate in group therapy sessions for professionals with chemical addictions. Respondent shall be responsible for ensuring that any and all persons providing therapy provide the Board with quarterly reports regarding his progress in counseling.

3. Respondent shall attend support groups, including NA or AA not less than five (5) times per week. Respondent shall provide evidence of attendance at such groups directly to the Board. If respondent has discontinued attendance at any of the support groups without obtaining approval of the Board, he shall be deemed in violation of this Order.

4. Respondent shall not possess any controlled dangerous substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause in his own treatment. In addition, respondent shall advise any and all treating physicians and/or dentists of his history of substance abuse. Respondent shall cause any physician or dentist who prescribed medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided to the Board no later than two (2) days subsequent to the prescription in order to avoid confusion which may be caused by a confirmed positive urine test as a result of such medication.

5. Respondent shall provide any and all releases to any and all parties who are participating in the monitoring, treating or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. With regard to any requirement for submission of the quarterly reports to the Board, the beginning of the first quarter is deemed to have commenced May 1, 2000.

6. Respondent may apply for modification of the terms of this order not sooner than one year following its entry, except that the Board will consider recommendations from respondent's treating psychiatrist or psychologist regarding modification of his counseling regime as appropriate.

New Jersey Board of Dentistry

By: Henry Finger DDS  
Henry Finger, D.D.S.  
President

RECEIVED AND F  
WITH THE  
N.J. BOARD OF DEN  
ON 1-21-00 *cm*

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CONSENT ORDER OF  
VOLUNTARY SURRENDER  
OF LICENSURE

THEREFORE, IT IS ON THIS 12<sup>TH</sup> DAY OF JANUARY, 2000,  
ORDERED:



1. Respondent, Donald Dobrowolski, at the close of business on Thursday, January 13, 2000, shall surrender his license to practice dentistry in the State of New Jersey for an indefinite period of time. In the interim, respondent shall submit a urine sample each day that he engages in the practice of dentistry and shall ensure that another licensed dentist is in the building at all times during which he engages in the practice of dentistry.

2. Respondent shall return his original New Jersey license, current biennial registration, and original CDS registration to the New Jersey State Board of Dentistry, Post Office Box 45005, Newark, New Jersey, 07101, upon his receipt of a filed copy of this Order.

3. Respondent shall comply with the attached directives for dentists whose surrender of licensure has been accepted by the Board, which are incorporated here by reference and shall immediately advise the DEA of this Order.

4. Respondent shall submit to an independent evaluation at his expense by a Board approved psychiatrist or psychologist. The report of such evaluation shall be provided to the Board.

5(a.) Respondent shall have his urine monitored not less than two times per week at a laboratory facility designated by the Board to continue until further order of the Board expressly reducing or discontinuing testing. Respondent shall be provided with specific directions for the protocol of the testing procedure and the location of the laboratory facility by the Executive Director of the Board. The urine monitoring shall be conducted

with direct witnessing of the taking of the samples as designed by the laboratory facility. The initial drug screen shall utilize appropriate screening techniques and all confirming tests and/or secondary tests will be performed by gas/chromatography/mass spectrometry (G.C./M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge.

(b.) All test results shall be provided to Agnes Clarke, Executive Director or the Board, or her designee in the event she is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

(c.) Any failure by respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Agnes Clarke, or her designee. Personnel at the lab facility shall not be authorized to waive a urine test. In addition, respondent must provide the Board with written substantiation of his inability to appear for a test within two (2) days, e.g., a physician's report attesting that respondent was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as

employed in this provision shall mean an obstacle beyond the control of respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day.

(d.) In the event respondent will be out of the State for any reason, the Board shall be so advised so that arrangements may be made at the Board's discretion for alternate testing. The Board may, in its sole discretion, modify the frequency of testing or method of testing during the monitoring period.

6. Respondent shall continue in counseling, at his own expense. Respondent shall be responsible for ensuring that the psychotherapist and psychiatrist provide the Board with a report relating to respondent's relapse and the prognosis for recovery. Respondent shall also ensure that the psychologist and psychiatrist provide quarterly reports regarding his progress in counseling.

7. Respondent shall attend support groups, including NA or AA not less than four (4) times per week. Respondent shall provide evidence of attendance at such groups directly to the Board. If respondent has discontinued attendance at any of the support groups without obtaining approval of the Board, he shall be deemed in violation of this Order.

8. Respondent shall not possess any controlled dangerous substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause in his own treatment. In addition, respondent shall advise any and

all treating physicians and/or dentists of his history of substance abuse. Respondent shall cause any physician or dentist who prescribed medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided to the Board no later than two (2) days subsequent to the prescription in order to avoid confusion which may be caused by a confirmed positive urine test as a result of such medication.

9. Respondent shall provide any and all releases to any and all parties who are participating in the monitoring, treating or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. With regard to any requirement for submission of the quarterly reports to the Board, the beginning of the first quarter is deemed to have commenced June 1, 1999.

10. Prior to any restoration of his license, respondent shall:

a. Appear before the Board or a committee thereof to discuss his readiness to return to the practice of dentistry. At that time respondent shall be prepared to propose his plans for future practice in New Jersey.

b. Provide the Board with evidence that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare and that he is not then suffering from any impairment or

limitation resulting from the use of cocaine, alcohol or any C.D.S. which could affect his practice.

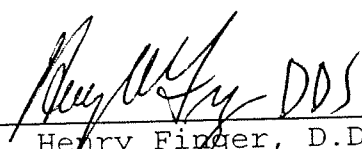
c. Provide the Board with reports from each and every mental health professional (including, but not limited to: psychologists, counselors, therapists, psychiatrists) who have participated in respondent's care and/or treatment for the disability in this matter during the period of time from December 21, 1999 to his appearance.

d. Provide the Board with a report from the New Jersey Dental Association Chemical Dependency Program detailing the nature and extent of his involvement with that entity, if any.

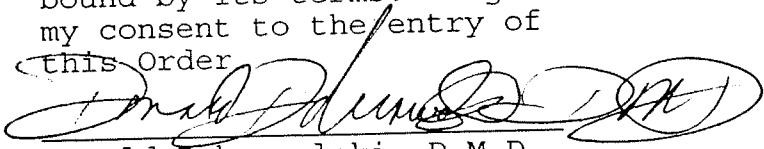
11. The entry of this Order is without prejudice to further action by this Board or other law enforcement entities resulting from respondent's conduct.

NEW JERSEY STATE BOARD OF DENTISTRY

By: \_\_\_\_\_

 Henry Finger, D.D.S.  
President

I have read and understand  
this Order and agree to be  
bound by its terms. I give  
my consent to the entry of  
this Order

  
Donald Dobrowolski, D.M.D.

**DIRECTIVE REGARDING FUTURE ACTIVITIES  
OF BOARD LICENSEE WHO HAS BEEN SUSPENDED/  
REVOKED AND USE OF THE PROFESSIONAL PREMISES**

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
- 2) Desist and refrain from the practice of dentistry in any form either as principal or employee of another licensee.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked or retired status of the licensee. When a new licensee is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing patient record to the new licensee, or to the patient if no new licensee is selected. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices dentistry.
- 5) Desist and refrain from furnishing professional dental services, giving an opinion as to the practice of dentistry or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice dentistry or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice dentistry. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing.
- 6) Cease to use any stationery whereon such person's name appears as a dentist in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully disposed

of, transferred or safeguarded.

7) Not share in any fee for dental services performed by any other licensee following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

8) Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.

(b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and either dispose of or store the dental material and equipment, but in no event shall the disciplined licensee, on the basis of a lease or any other agreement for compensation place in the possession of any operator, assistant or other agent such dental material and equipment, except by a chattel mortgage.

(c) No use of name of disciplined licensee or personally owned office name or tax- or provider identification number.

1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the disciplined licensee is a

member of a professional group which uses a group-type name such as the ABC Dental Group, the disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.

(9) Report promptly to the Board compliance with each directive requiring moneys to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.

(10) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:

- 1) Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the disciplined licensee to appear, to remove any listing indicating that the practitioner is a licensee of the Board in good standing.

- 2) Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.

(11) A practitioner whose practice privileges are affected by a Board disciplinary Order shall, within 90 days after the effective date of the Board Order, file with the Executive Director of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence, address or telephone number shall be promptly reported to the Executive Director.